

## 5. Memoranda Cydsyniad Deddfwriaethol ar

### Bysgodfeydd y DU: Sesiwn dystiolaeth

## 5. Legislative Consent Memoranda on the UK Fisheries: Evidence session



**Mick Antoniw AM** 14:44:50

Video

So, the Constitutional and Legislative Affairs Committee reconvened. I welcome the Cabinet Secretary to this meeting to give evidence in respect of the Fisheries Bill. So, I welcome you and your officials, Graham Rees and Tamsin Brown. Did you want to make any opening comments or are you happy for us to go straight into questions? [26](#)

14:45



**Lesley Griffiths AM** 14:45:11

Video

I'm very happy to go straight into questions, Chair. [27](#)



**Mick Antoniw AM** 14:45:13

Video

Okay. Just a couple of opening questions from myself, which are why you consider the Bill and the provisions within it necessary—if you could perhaps explain why. [28](#)



**Lesley Griffiths AM** 14:45:23

**Video**

Thank you. So, the Bill as far as it relates to Wales is absolutely necessary for us to be able to manage our fisheries and our marine environment appropriately when we exit the EU. Obviously, once the UK leaves the European Union we will become an independent coastal state, subject to international laws and objectives, and the responsibility will require a much wider range of tools in order for the four administrations and the UK to work to collectively meet the requirements that are required in those international obligations. Also, the way that we share out the funding, so—. It's very different to agricultural funding, obviously—we don't fund our fishers in the way we fund our farmers—but that European Maritime and Fisheries Fund funding is used in a variety of ways that we will have to do ourselves after. [29](#)



**Mick Antoniw AM** 14:46:13

**Video**

Thank you for that. In the preparation of the Bill—as you know, there have been issues in terms of engagement between Welsh Government and the UK Government, for example, on the Agriculture Bill and other pieces of legislation. This is a much more detailed Bill. I wonder if you consider that Welsh Government has been adequately engaged within the construction of this Bill. And, perhaps, what might have been different in the construction of this as opposed to other legislation? [30](#)



**Lesley Griffiths AM** 14:46:39

**Video**

I think it's probably safe to say we didn't get off to the best start. Certainly, we weren't involved in the drafting of the Bill. However, as soon as the Bill did come forward, we had then extensive engagement, particularly at an official level, but also at a ministerial level. So, Members will be aware I have regular quadrilateral meetings with the Secretary of State for the Department for Environment, Food and Rural Affairs and my Scottish counterparts, and, obviously, Northern Ireland officials. So, I think the level of engagement was very good—much quicker than the Agriculture Bill; I think we learned lessons there. So, I think it's really important, from our perspective, that the Bill meets the Welsh needs, and that—. I think I'm much happier with the engagement in relation to this Bill. You've just mentioned it's much more—. It is a detailed Bill. It's much more detailed than the UK agri Bill. And I think we've also—. Although I didn't have as many red lines with this Bill as I did with the Agriculture Bill, I think we've been able to be much more influential and we've been able to bring forward changes to the Bill much easier than the previous one. 31



**Mick Antoniw AM** 14:47:45

Video

Okay, thank you for that. We've got quite a number of questions, so I'll move on through them fairly swiftly. Mandy Jones. 32



**Mandy Jones AM** 14:47:51

Video

Why have you not made a statement about this Bill as you did with the Agriculture Bill? 33



**Lesley Griffiths AM** 14:47:55

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**Video**

I think because, again, they're two very different Bills. They're quite often compared—and I've just done the same thing myself. They're quite often conflated and compared in a way that they shouldn't be because, again, they're very different. Agriculture's very different to fisheries management, so I don't think we can compare them. So, I think we're in a very different space with this Bill, which is why I haven't made a statement as yet. And I think, because—and this sounds really obvious—the four countries share the same fish, we are much keener to work together to find a solution and to get the right framework in place. [34](#)



**Mandy Jones AM** 14:48:29

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**Video**

But you are going to do that in the future.[35](#)



**Lesley Griffiths AM** 14:48:30

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**Video**

Yes.[36](#)



**Mick Antoniw AM** 14:48:31

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**Video**

Okay. Dawn Bowden. [37](#)



**Dawn Bowden AM** 14:48:32

**Video**

Yes, thank you, Chair. Just a couple of questions on the common frameworks and the provisions of the Bill that relate solely to the establishment of common frameworks and those that refer to the common frameworks that are devolved to the Assembly but are not within our legislative competence. Can you just explain the two, because one shouldn't be in there, it seems to me, but both are in? So, perhaps you could just explain that. [38](#)



**Lesley Griffiths AM** 14:49:04

**Video**

So, you're about the provisions in the Bill—[39](#)



**Dawn Bowden AM** 14:49:06

**Video**

The provisions, yes. So, the provisions in the Bill: we've got one area that relates solely to the establishment of the common frameworks. So, I just wanted to know a bit about that, but then whether there were any provisions in the Bill that don't relate to the common frameworks but are within our legislative competence. [40](#)



**Lesley Griffiths AM** 14:49:21

**Video**

Okay. So, let's take the latter one first. So, there are several clauses in Schedule 1 that are around the joint fisheries committee—I think it's clauses 1 to 6—then we've obviously got the common licensing powers around the licences of vessels, which are in Schedule 3, and then Schedule 6 has got several clauses. And then Schedule 4 is in relation to the financial powers that I referred to before and Schedule 7 is around amendments to the Marine and Coastal Access Act 2009. And, if you're asking why some of them are in the Bill, it's because—and it's an amendment that we've been able to secure now around Wales and the Welsh zone. So, the 12 nautical miles are the Wales zone, and then we've got—. We didn't have, or the Assembly didn't have, legislative competence beyond the Wales zone and that was an inequity with Scotland, for instance. So, that's one of the amendments. I referred before to that we've secured some very important amendments, and that was one of them.[41](#)

**14:50**



**Dawn Bowden AM** 14:50:23

**Video**

Right. So, this is a matter of clarity, then.[42](#)



**Lesley Griffiths AM** 14:50:25

**Video**

Yes. So, we when we bring forward our own Welsh fisheries Bill, if we hadn't got that clause in, we wouldn't have been able to have the legislative competence in relation to that.[43](#)



**Dawn Bowden AM** 14:50:34

Video

Okay, that's fine. Okay, thank you, Chair.[44](#)



**Mick Antoniw AM** 14:50:36

Video

Okay. Suzy Davies.[45](#)



**Suzy Davies AM** 14:50:39

Video

Yes, thank you. If I understand correctly, you as Welsh Government asked for some delegated powers in this process. Can you tell us why they're necessary? Why are they not adequately explained in the legislative consent memoranda? And can you give us an example of the regulations you might expect to introduce by using the powers that you've asked for?[46](#)



**Lesley Griffiths AM** 14:50:56

Video

So, at our request, we had some powers in relation to financial assistance and I gave an example of why we need to have those powers. We also amended the Marine and Coastal Access Act 2009. That was to provide new powers to Welsh Ministers, again to enable for us to manage our fisheries post Brexit much more dynamically, if you like. And also, for nature conservation reasons, it was really important to have that. And, again, I go back to Wales and the Welsh zone—if we hadn't got the powers now, when the time comes for us to have our Welsh fisheries Bill, we wouldn't have been able to legislate in that area.<sup>47</sup>



**Suzy Davies AM** 14:51:40

Video

Do any of these powers give you access to new policy that—? Is this just a like-for-like equivalent or have you got the opportunity here to introduce new policy by using the powers that you've asked for? <sup>48</sup>



**Lesley Griffiths AM** 14:51:52

Video

I think it's probably like-for-like and it's to enable us to be able to manage our fisheries in a much more meaningful way. We will have to, obviously, amend existing fisheries enactments. We may have to change EU legislation—so, retained EU legislation. We could only do that through primary legislation. So—<sup>49</sup>



**Suzy Davies AM** 14:52:20

Video



Sorry to interrupt. Yes, I accept that—the operability of it—but it's just that, the powers as drafted, would they give you any openings, if you like, to introduce any new policy that wouldn't be consulted on?[50](#)



**Lesley Griffiths AM** 14:52:33

**Video**

That wouldn't be consulted—. I suppose it would be able to—. No, I don't think new policy in that. It would enable us to deviate from EU legislation, wouldn't it, but I don't think it would enable us to do it without consultation.[51](#)



**Suzy Davies AM** 14:52:44

**Video**

Okay. It's just that I recognise that, in the explanatory memorandum we did get, the reason you want to introduce an LCM in the first place is for uniformity. So, as far as I can tell, the powers give you opportunities to deviate from uniformity and I just wanted to know what you might want to do—some specific examples of how you might use those powers, then. Basically, why can't we wait for a Wales fisheries Bill? What's so urgent? [52](#)



**Lesley Griffiths AM** 14:53:09

**Video**

Well, I go back to what I was saying about Wales and the Welsh zone, because, if we hadn't got those powers changed—[53](#)



**Suzy Davies AM** 14:53:16

Video

They're coming in now, though, aren't they?[54](#)



**Lesley Griffiths AM** 14:53:17

Video

Yes, but only because we had the amendment.[55](#)



**Suzy Davies AM** 14:53:20

Video

Oh, yes, and that's great for that, but there are still additional powers to that. I'm just wondering how you're intending to use them, really, particularly as you asked for them.[56](#)



**Lesley Griffiths AM** 14:53:27

Video

Graham.[57](#)

**Graham Rees** 14:53:28

Video

The issue that we're also dealing with is the risk of leaving the EU at the end of March, and so we need a toolset of powers to be able to manage fisheries and the marine environment from that point onwards. What these do in effect—so, the changes to the Marine and Coastal Access Act just change existing powers that are there at the moment to make them more flexible. The changes to the financial instrument change existing powers that are there to make them more broadly applicable, just to deal with the change in circumstances that we're likely to face as we exit the European Union.<sup>58</sup>



**Suzy Davies AM** 14:54:05

**Video**

Okay. So, they're not quite like-for-like, then, because you've just mentioned it twice—changes.<sup>59</sup>

**Graham Rees** 14:54:09

**Video**

They're enhancements to our existing powers. They're not changes to policy; they're enhancements.<sup>60</sup>



**Suzy Davies AM** 14:54:14

**Video**

Oh, enhancements. Well, again, we'd be quite interested in hearing about enhanced powers, because that's not what we would have been expecting. What would you use enhanced powers for? And why aren't they in the LCM, on why you'd need enhanced powers?<sup>61</sup>

**Graham Rees** 14:54:28

**Video**

At the moment, for example, in the Marine and Coastal Access Act, the permitting powers that are there at the moment would require us to remake legislation every time we amended a permit. As we're dealing with a lot of unknown circumstances as we exit the European Union, the ability

to be able to adapt those permits means that it would be a more fit-for-purpose way of controlling fisheries.[62](#)



**Suzy Davies AM** 14:54:53

**Video**

And you couldn't wait for a Wales fisheries Bill for that? [63](#)

**Graham Rees** 14:54:56

**Video**

As the Minister's already—[64](#)



**Suzy Davies AM** 14:54:57

**Video**

It may just be timing.[65](#)



**Lesley Griffiths AM** 14:54:58

**Video**

Well, we might have to bring regulations in very quickly. It could be the first week of April, so—[66](#)

**14:55**



**Suzy Davies AM** 14:55:03

Video

You've answered my second question that I don't need to ask.[67](#)



**Lesley Griffiths AM** 14:55:05

Video

But, you know, we could have to make those changes incredibly quickly, so we would need to have the powers there. Obviously, you know the legislative programme that we currently have during this term—it's very full, so we're going to have to look at that, obviously, to bring it through the fisheries policy.[68](#)



**Suzy Davies AM** 14:55:24

Video

Okay, but yes, enhanced powers. Thank you, Chair.[69](#)



**Dai Lloyd AM** 14:55:30

Video

Mae'r rhan fwyaf o fy nghwestiynau i wedi cael eu hateb eisoes gan y Gweinidog. A allaf i jest gofyn un? Ai'r bwriad ydy i'r pwerau yn y Bil fod yn bwerau dros dro yn unig? Os nad y bwriad oedd iddyn nhw fod yn dros dro, pam nad yw'r Bil yn cynnwys cymal machlud, felly, os oedd disgwyl iddyn nhw fod yn hirdymor?[70](#)

The majority of my questions have already been answered by the Minister. Can I just ask one question? Is it the intention that the powers in the Bill should be temporary in nature? If it wasn't

the intention for them to be temporary in nature, then why doesn't the Bill contain a sunset provision, if they're expected to be longer term in nature?



**Lesley Griffiths AM** 14:55:54

Video

Yes, absolutely, they are temporary. I've always made it very clear that we expect to bring forward a Welsh fisheries policy. There's no sunset clause because we don't yet have fisheries built into our legislative programme, so that's the reason for that.<sup>71</sup>



**Dai Lloyd AM** 14:56:09

Video

lawn, diolch yn fawr.<sup>72</sup>

Fine, thank you.



**Mick Antoniw AM** 14:56:16

Video

Okay. I'd just like to come on now to clause 18. The UK Government's own explanatory memorandum doesn't consider that clause 18 is a matter requiring consent. I was wondering if perhaps you would outline your position in that respect, particularly with regard to the legislative consent memorandum that's been laid, and, of course, subsequent discussions, because there has been an amendment laid to the Bill, I think in the Committee Stage, isn't it, that is obviously a result of that. So, it'd be helpful if you could outline, I suppose, the issues of consent that were of

concern, why they were of concern to you, what discussions you've had on them and how those have now been resolved, if they have been resolved.[73](#)



**Lesley Griffiths AM** 14:57:10

**Video**

They haven't fully been resolved. Basically, the UK Government doesn't share our view on this matter, so the discussions are ongoing. And, certainly, I've had these discussions at a ministerial level and, obviously, officials are continuing to have them. I absolutely recognise that the conduct of international obligations is reserved, but when you come, then, to implement those obligations, if they're in a devolved area, that's up to us. But, as I say, the UK Government doesn't really share the view on that.[74](#)

I think, myself, Scotland, Northern Ireland and the UK Government all agree that the Secretary of State needs to be able to set the top-level fishing opportunities in UK waters, but our concern is, I suppose, around the very broad way that the power is currently written. So, at the moment, as it stands now, the DEFRA Secretary of State could decide on quotas for scallops in Cardigan bay. So, he would be able to set that at the moment. Now, Michael Gove tells me he wouldn't do that; okay, that's fair enough, I can take that, but what about future UK Governments? So, it's really important. He could also decide on the number of days that the fisheries was open, for instance, so we don't accept that that is the case. So, those discussions are ongoing. I am hopeful that we will get an agreement in the next few weeks.[75](#)



**Mick Antoniw AM** 14:58:44

**Video**

Okay. Dai, you wanted to come in on this.[76](#)



**Dai Lloyd AM** 14:57:45

**Video**

Well, yes. The crux of this is that the implementation of international agreements in areas of devolved competence is not reserved, as you've said, and that seems to have been confirmed by the Supreme Court as regards the Scottish Government—their continuity Bill, which emphasised that. Yet, you're saying that the UK Government still does not accept that position.<sup>77</sup>



**Lesley Griffiths AM** 14:59:07

**Video**

I think we're getting there. As I say, the discussions I've had—. I had a very brief discussion about this last Monday at the quadrilateral in London. I do think we're getting there. I don't know if Graham can add any more—I know you've got an official meeting this week. I don't know if you can add any more.<sup>78</sup>

**Graham Rees** 14:59:21

**Video**

The issue hinges on the term 'international obligations' in the clause itself, which we feel is too broad. So, what we're seeking is some reassurance, maybe in the form of the mechanics of the inter-ministerial agreement that we've got in place, because this area does span reserved and devolved—some assurance that the National Assembly for Wales can be consulted and also provide a view on any changes that are brought forward that affect devolved administrations' powers.<sup>79</sup>



**Dai Lloyd AM** 14:59:59



**Video**

Because this is the crux of it. And, are you minded, then, if you don't get the amendment that you're chasing, to withhold legislative competence in this matter?<sup>80</sup>

15:00



**Lesley Griffiths AM** 15:00:06

**Video**

Certainly it's something that we're considering. I have red lines, and I think this, obviously, comes in that category. I think, as we work forward on the fisheries management framework, this is an area where officials know it is absolutely a priority that we get this right.<sup>81</sup>



**Mick Antoniw AM** 15:00:27

**Video**

Carwyn Jones.<sup>82</sup>



**Carwyn Jones AM** 15:00:29

**Video**

Thank you. Just concentrating on clause 18, it appears to give the UK Secretary of State powers to set a UK quota—or quotas, I should say, or quatae if you're particularly concerned about Latin correctness. But that quota would be a UK quota. Is it then the intention that it would be subdivided into four different quotas for each of the UK nations? Now, on the face of clause 18, there's no provision—it's silent on it; there's no provision on it—but, from your perspective, would you want there to be a Welsh quota for all species, rather than there being a UK quota, within which we'd have to operate?<sup>83</sup>



**Lesley Griffiths AM** 15:01:12

Video

We've been having those discussions, because I think one of the things we've been looking at is: if we get additional quota, would it then be for the Secretary of State to top-slice it? And certainly the initial discussions that we've been having—. From our perspective, I think we would prefer that to Scotland and Northern Ireland sort of pushing out those—you know, having fixed quotas or for them just to go to the largest vessels, for instance. So, those are discussions that we are currently thinking about.<sup>84</sup>



**Carwyn Jones AM** 15:01:46

Video

Just on another point, this conflict between the implementation of international obligations and their agreement, which is a problem we know exists, presumably, if the UK Government had an agreement with another state or entity that a certain number of boats should be able to fish in UK waters, how would that be allocated within the four nations? I suppose there isn't an answer to that yet—<sup>85</sup>



**Lesley Griffiths AM** 15:02:19

Video

There isn't.<sup>86</sup>



**Carwyn Jones AM** 15:02:19

**Video**

—but that's one of the problems. And secondly, again the Bill is silent on this, but I suspect this is something for further discussion: even if, for example, the Welsh Government was obliged to let a certain number of foreign-owned vessels fish in Welsh waters, it would actually be possible to prevent boats from elsewhere in the UK from fishing in Welsh waters. Now, I'm not saying that we would do that, because our fisheries are very small, as you know. But certainly, in Scotland, which has a maritime area I think bigger than England, there is the possibility, I suppose, that Welsh fishing boats could be stopped from fishing in Scottish waters if the Scottish Government decided to take that view.<sup>87</sup>



**Lesley Griffiths AM** 15:03:01

**Video**

Taking the first part of your question, we haven't got an answer to that yet, but obviously we are bringing forward a joint fisheries statement. We are also looking at getting some sort of inter-ministerial agreement in the way that we've had on the agricultural side for a long time. So, these are part of the discussions that we are having, but you're quite right that Scotland are very vociferous in these parts of the discussions, as you can imagine.<sup>88</sup>



**Mick Antoniw AM** 15:03:29

**Video**

Can I pursue that particular point? On the international treaties point, what the Supreme Court said was that, 'Well, of course, it is a reserved matter for UK Government in terms of the treaties,

but the implementation of that in devolved areas remains a matter for the devolved Government.' Now, that's a very clear statement of that. It's very interesting to note that it was English MPs, I think during the Committee Stage, who were actually saying, 'We need a disputes procedure because Wales could just walk away et cetera,' and I was very interested to see the boot on the other foot, because for how many years have we been arguing for a disputes procedure? I'm just wondering, is that the issue of a specific—you referred to a memorandum—? I get very uneasy about the use of memoranda because of their weakness. But here, clearly, the law is on our side, the constitution is on our side. Isn't this an opportunity where we should actually be setting the precedent for a disputes procedure now in respect of this?<sup>89</sup>



**Lesley Griffiths AM** 15:04:28

Video

I agree. I noticed the former First Minister throw his hands up in the air, because you're absolutely right—we've been pushing for this for a while, and this is why I think we will have an agreement on this, and that's why, whilst it's a red line, I am confident that I will be able to recommend the Bill—<sup>90</sup>



**Mick Antoniw AM** 15:04:44

Video

Will it be one that should go into the legislation itself?<sup>91</sup>



**Lesley Griffiths AM** 15:04:48

Video

Certainly that's a discussion that we can have, and I'd be very happy to update the committee following the meeting this week, if that would be helpful.[92](#)



**Mick Antoniw AM** 15:04:55

**Video**

Suzy, you want to come in.[93](#)



**Suzy Davies AM** 15:04:56

**Video**

That was my question: do you foresee, or do you have something that you've got in mind as a draft amendment to pass on to parliamentary colleagues about what you want to see happen to clause 18, because I tend to agree that it needs a statutory 'what happens next' built in somehow?[94](#)

**15:05**

**Graham Rees** 15:05:13

**Video**

There haven't been any discussions about following a legislative approach for—. We have discussed dispute resolution in a fisheries context, but it's sort of wrapped up in the work of the joint fisheries statement, because the joint fisheries statement is how we come together, how we negotiate, how we respect the fact that Wales has the Well-being of Future Generations (Wales) Act 2015. So, our definition of sustainability is enshrined in legislation. So, the joint fisheries statement is to create that vehicle to respect both devolution and to enable us to bind ourselves together around some of these things. [95](#)



**Suzy Davies AM** 15:05:47

**Video**

Okay, so it's not a case where you can just simply put in a clause along the lines of, in this case, 'The UK Government commits to doing the divvying up via a particular mechanism'. [96](#)

**Graham Rees** 15:06:00

**Video**

It would be more appropriate for the joint fisheries statement, I would believe, largely because it needs to be fit for purpose in the future as well, and we're in an evolving position. [97](#)



**Suzy Davies AM** 15:06:10

**Video**

Okay, that's fine. Thank you. [98](#)



**Mick Antoniw AM** 15:06:12

**Video**

Just an add-on comment, of course, this has quite significant implications in other areas of international treaties—the trade Bill, for example, and others. So, I just make that point now. Dawn Bowden. [99](#)



**Dawn Bowden AM** 15:06:26

**Video**

Just on Schedule 6, which contains provision-conferring powers on Welsh Ministers, and conferred on the Secretary of State, by clauses 31 and 32. So, are those broad powers—? How is it your intention to use those particular powers, if that's not already been covered by Suzy's questions earlier? [100](#)



**Lesley Griffiths AM** 15:06:47

**Video**

These are very important powers. They're very powerful. I think this is probably a level of power that we haven't had before. They're really important so that we can amend and change the EU legislation that's retained without seeking primary legislation. As I said, we may need to deviate from EU legislation, so this would allow us to do so. It may help with implementing new international obligations. We'll need to keep pace with EU legislation, because they could—. Well, I won't say they could—legislation is always evolving, obviously, within the EU also. [101](#) You'll be aware of the significant level of statutory instruments that are being made by Welsh Ministers at the moment; we had a very interesting debate in the Chamber last week with Suzy's motion. But also, the powers are necessary for us to be able to manage fish stocks and, obviously, the marine environment in the way that we want to in Wales. Graham just referred to, obviously, the FG Act. And I go back to what I was saying, I think it was in answer to Suzy before, in that we may need to make changes as early as the first week of April. So, we need to make sure that we've got these powers. [102](#)



**Dawn Bowden AM** 15:08:01

**Video**

Of course, similar powers are conferred on Northern Ireland and Scotland as well, so that will give the opportunity for discussions nation by nation, presumably, in that sense. [103](#)



**Lesley Griffiths AM** 15:08:09

**Video**

Yes. [104](#)



**Dawn Bowden AM** 15:08:10

**Video**

Right, that's fine. Just a final question from me, Chair, if I might. It's just around the Marine and Coastal Access Act 2009 and whether there's been any progress on the discussions there around the—if I can find it; what was it you were talking to them about? So, it allows you to manage fisheries in a much more flexible way. [105](#)



**Lesley Griffiths AM** 15:08:32

**Video**

The permits. So, I think this has been a long-standing issue and, certainly since I've been in post, it's something that stakeholders have wanted to see—so, that ability to be able to reissue a permit without having to have legislation, so having that flexibility to be able to do that. Again, we've had some significant dialogue, really, with the UK Government around this issue, and I do expect to see further amendments coming forward. [106](#)





**Dawn Bowden AM** 15:09:00

**Video**

So, they're accepting of the point, are they? [107](#)



**Lesley Griffiths AM** 15:09:01

**Video**

Yes, absolutely, they're accepting of this point, and I think these further amendments are something that Graham will be discussing on Wednesday at the officials' meeting. But, yes, I think they absolutely accept that this is an area that we will have, and if we do get these further amendments, obviously, Chair, I will lay a further supplementary LCM. [108](#)



**Mick Antoniw AM** 15:09:22

**Video**

Okay. Carwyn Jones. [109](#)



**Carwyn Jones AM** 15:09:24

**Video**

Much of what I wanted to raise has been dealt with. In terms of clause 39 of the Bill, I very much welcome that to get the legislative and executive competence aligned. That's hugely important. As far as—. We've mentioned clause 18, but is there anything else in the Bill that causes you concern? If, for example, clause 18 was to be resolved satisfactorily, do you think then you'd be in a position to recommend an LCM to the Assembly? [110](#)



**Lesley Griffiths AM** 15:09:56

**Video**

Yes. My big red line—and I think that was following discussions with you, really—was about Wales and the Welsh zone. I think that was really important, and for the Assembly as well, because it is really important that the National Assembly's powers were recognised in the way they were. So, I think once clause 18 is sorted, that will be all the red lines ticked off, and I will then be able to recommend. But obviously we've got the amendments coming through, we've got the Lords Committee Stage. I understand from a discussion I had with Michael Gove last Monday they are working to a much more accelerated timetable now, particularly with the threat of no deal. So, I'm very hopeful that will—that the Lords Committee Stage will be in the not-too-distant future and I'll be able to bring forward the supplementary LCM and then ask for the Assembly's approval. [111](#)

**15:10**



**Mick Antoniw AM** 15:10:47

**Video**

Okay. Mandy Jones. [112](#)



**Mandy Jones AM** 15:10:49

**Video**

I think one of my questions has already been covered, but how will you ensure that the provisions in the Bill and the subordinate legislation under it are accessible to stakeholders and the wider public?[113](#)



**Lesley Griffiths AM** 15:11:03

**Video**

Obviously, all UK Government legislation is widely available on their website, and in regard to subordinate legislation, we will make sure that any regulations that we bring forward will be accessible and transparent in the way we always do.[114](#)



**Mandy Jones AM** 15:11:16

**Video**

Thank you.[115](#)



**Mick Antoniw AM** 15:11:19

**Video**

Okay. Can I come back just to one area? I think there was something I wanted to cover in respect of questions. The Bill permits the Secretary of State to act in devolved areas with the consent of the devolved administrations, and I was just wondering if you could explain why this is the case, and the rationale for the approach, which doesn't seem to be completely clear from the legislative consent memorandum or the supplementary. What plans do you have for notifying the Assembly of any circumstances where consent is given?[116](#)



**Lesley Griffiths AM** 15:11:53

**Video**

So, I thought it was quite clear in the LCM and the supplementary LCM, but, obviously, we're laying down all the SIs, and I know there were some concerns from Members around that, but as I tried to say to Suzy last week, I'm doing the work, the team are doing the work, it's just a matter of Assembly time. I think we worked out that if we brought forward every SI, it would take six months of Tuesdays and Wednesdays, and doing nothing else, but I am aware that, obviously, there are concerns around scrutiny, but we're laying statements as soon as we're—I mean, I've done two SIs in the last 24 hours, but I think it is—. I do understand the concerns around affirmative and negative, but I will make sure that where there are areas where we do have concerns, Members are aware of them.[117](#)



**Mick Antoniw AM** 15:12:46

**Video**

Carwyn.[118](#)



**Carwyn Jones AM** 15:12:48

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Video

Yes, just an issue, really, just to confirm something. Much has been made of what is claimed to be a 200-mile exclusive economic zone around the UK, which doesn't, by and large, exist. As I understand it, there is a line that goes out towards Rockall in the north-west of Scotland, where it does exist, and an arrow that goes out from the Isles of Scilly into the Bay of Biscay, where it also exists. But if we could just confirm that the exclusive economic zone only exists out to 200 miles if there is no other country in the way.[119](#)



**Lesley Griffiths AM** 15:13:23

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Video

Yes. That's correct.[120](#)



**Mick Antoniw AM** 15:13:28

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Video

Okay, I think those are the questions we wanted to go—. We very much appreciate your attendance today. You will get, of course, a transcript of the evidence, and obviously there'll be other considerations by other committees, which have already taken place in this respect, and we look forward to any further information as this Bill proceeds. Thank you for your attendance.[121](#)



**Lesley Griffiths AM** 15:13:49

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Video

Thank you, Chair.